IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 28440 of 1996

Between:

T.Hari Babu S/o.Sitharamaiah
R/o.Wadarevu road Perala, Chirala Town
Prakasam District.

..... PETITIONER

AND

1 Government of A.P Rep by its Secretary to Education
Dept of Education , Secretariat BuildingS, Hyderabad.
2 Commissioner of Collegiate Education
Nampally , Hyderabad.
3 Director, Board of Intermediate Education
Nampally , Hyderabad.
4 The Director, Directorate of Intermediate Education, Govt. of A.P.,
Nampally, Hyderabad.
(R4 is impleaded as per court order dt. 7-12-2004 in WPMP 29441 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to may be Pleased to issue a writ or direction or order , more particularly in the nature of writ of Mandamus declaring that the petitioner is entitled for being counted of his unaided regular service as Lecturer in the A.K.P.Jr.College, Perala, Chirala Town during 1982-90 for the purpose of computation of continuous service and all consequential benefits including monitory benefits flowing therefrom and consequently direct the respondents to take immediate action to count the unaided regular service of the petitoner in the post of Civics Lecturer in the A.K.P.Jr.College , perala, chirala Town, during the years 1982-90 and to allow all consequential benefits including monetary benefits arising there from and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the

case.

Counsel for the Petitioner:MR.P.PHALGUNA RAO

Counsel for the Respondent Nos.1 & 2: GP FOR HIGHER EDUCATION

Counsel for respondents 3 & 4: Standing Counsel for Intermediate Board.

The Court made the following :

This writ petition is filed seeking writ of Mandamus declaring the petitioner as entitled for being counted of his un-aided regular service as Lecturer in the A.K.P.Junior College, Perala, Chirala Town, during 1982-1990 for the purpose of computation of continuous service and all consequential benefits including monetary benefits flowing therefrom and consequently direct the respondents to take immediate action to count the unaided regular service of the petitioner in the post of Civics Lecturer in the A.K.P.Junior College, Perala, Chirala Town, during the years 1982-90 and to allow all consequential benefits including monetary benefits arising therefrom.

The learned counsel for the petitioner placed before this Court a judgment of a Full Bench of this Court in W.P.No.1398 of 2000 and batch, dated 26.07.2001, wherein their Lordships held as follows:

> "*Though w.p.Nos.3368, 3002, 7519 AND 14234 of 2001 are not listed before us, having regard to the fact that the question involved in the said writ petition is similar to the one raised in this writ petition, we treat them as being in today's list and dispose them of by this common order.*
>
> *When the cases were called, Sri K.Prakash Reddy, learned Additional Advocate General placed before us a letter bearing No.9968/PS-1/201-1, dated 25.07.2001, addressed to him by the Secretary to Government, Education (S.C.Department therein.*
>
> *Government therefore, decide to implement the Act 9/2000 with prospective date i.e., from 25.04.2000 instead of 10.01.1980 and necessary amendment to the Act 9/2000 2 will*

be issued separately at the appropriate time.

Having regard to the fact that the State Government itself has taken a decision to implement Act 9 of 2000 with prospective effect i.e., from 25.04.2000 instead of 10.01.1980, we are of the opinion that the validity or otherwise of the Act 9 of 2000 need not be gone into.

By reason of the aforementioned Act, the period of service of the concerned Teacher in Unaided Institution was not to be reckoned for the purpose of Automatic Advancement Scheme/Career Advancement Scheme/Pension has already been granted, but in relation to some others, the said benefit has been denied. Having regard to the statement made by the learned Additional Advocate General, we have no doubt whatsoever that in terms of the aforementioned letter, all Teachers would be treated equally irrespective of Act 9 of 2000."

In view of the above, this writ petition also stands disposed of on the same terms and conditions of decision of a Full Bench of this Court. No costs.

31.01.2005

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To

1 Government of A.P Rep by its Secretary to Education
Dept of Education , Secretariat BuildingS, Hyderabad.
2 Commissioner of Collegiate Education
Nampally , Hyderabad.
3 Director, Board of Intermediate Education
Nampally , Hyderabad.
4 The Director, Directorate of Intermediate Education, Govt. of A.P.,
Nampally, Hyderabad.
5 2CCs to the G.P. for Higher Education, High Court of A.P., Hyderabad(OUT)

6. 2CD copies

7 2C.D.Copies.